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And Forrest Olemaun*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

JOHN M. MONNIN,

Plaintiff,

vs.

FORREST OLEMAUN, in his official  
capacity as Chief Administrative Officer,  
North Slope Borough, and the NORTH  
SLOPE BOROUGH,

Defendants.

**CIVIL ACTION NO.  
3:18-cv-\_\_\_\_\_**

**NOTICE OF REMOVAL BY  
DEFENDANTS NORTH SLOPE  
BOROUGH AND FORREST  
OLEMAUN**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants, North Slope Borough and Forrest Olemaun (collectively, "Defendants"), give notice that Case No. 2BA-18-0079 Civil, *John M. Monnin v. Forrest Olemaun and the North Slope Borough*, is hereby removed to the United States District Court for the District of Alaska from the Superior Court for the State of Alaska, Second Judicial District at Barrow, where said case was originally filed and is currently pending.

Copies of all process, pleadings and orders served upon Defendant in the State Superior Court action are being filed simultaneously herewith, attached as Exhibit A hereto. In addition, a separate

NOTICE OF REMOVAL ETC.

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Notice has been filed with the Alaska State Superior Court in Barrow and served on Plaintiff's counsel, informing the court and Plaintiff of this removal. A copy of the Notice is attached as Exhibit B.

### GROUND FOR REMOVAL

Defendants base this Notice of Removal on 28 U.S.C. § 1441, which provides that Defendants may remove any civil action, filed in a state court, of which the district courts of the United States have original jurisdiction. Original jurisdiction in this case exists by reason of 28 U.S.C. § 1331.

The substantive requirements of removal are met here because Plaintiff alleges in his complaint only two causes of action or counts, each of which arises under federal statute: (1) a claim based on a violation of 42 U.S.C. § 1983, and (2) a claim based on a violation of 42 U.S.C. § 1981. *See* Plaintiff's Amended Complaint, attached as part of Exhibit A. *See also* 28 U.S.C. § 1441 and 28 U.S.C. § 1331. Plaintiff alleges no other causes of action. *See* Amended Complaint. Plainly, federal courts are particularly well-suited to handle these types of federal claims, brought pursuant to federal statute.

Thus, this case is a civil action arising under the laws of the United States, and this Court has original jurisdiction of this matter pursuant to 28 U.S.C. § 1331.

The procedural requirements of removal have also been met. This Notice of Removal is timely under 28 U.S.C. § 1446(b). The initial pleading in this case setting forth Plaintiff's claim for relief against Defendant was Plaintiff's complaint, which was first received by Defendants on or about May 21, 2018. This Notice of Removal is therefore timely, being filed within the 30 days of the date on which Defendants first received Plaintiff's complaint.

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In addition, copies of all process, pleadings and orders served upon Defendants in the State Superior Court action are being filed simultaneously herewith, attached as Exhibit A hereto.<sup>1</sup> In addition, a separate Notice has been filed with the Alaska State Superior Court in Anchorage and served on Plaintiff's counsel, informing the court and Plaintiff of this removal. A copy of the Notice is attached as Exhibit B.

In sum, since this case involves only claims arising under the laws of the United States, this Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331. Since the Notice of Removal has been timely and properly brought, and the only defendants to this action are requesting removal, this Court should remove this action pursuant to 28 U.S.C. § 1441, and further pursuant to 28 U.S.C. § 1331.

DATED June 6, 2018

/s/ Thomas Amodio

Thomas Amodio, Bar No. 851142

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<sup>1</sup> These documents include Plaintiff's entry of appearance and request for jury trial, complaint for damages, summons, and first amended complaint for damages. See Exhibit A.

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**CERTIFICATE OF SERVICE**

I certify that that a copy of the foregoing  
was mailed/emailed and/or faxed this 6<sup>th</sup>  
day of June, 2018 to the following:

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/s/ Thomas Amodio

Thomas Amodio

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